

Senate Bill 535

By: Senator James of the 35th

A BILL TO BE ENTITLED
AN ACT

To amend Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, so as to provide for the regulation of secondhand dealers; to provide for legislative declarations; to provide for definitions; to provide for licenses for such dealers; to provide for certain reporting requirements; to provide for a method for such reporting; to provide for a request for approval and other bidding procedures regarding certain reporting services; to provide for related matters; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses, is amended by adding a new chapter to read as follows:

"CHAPTER 52

43-52-1.

The General Assembly finds that property crime has become an epidemic in Georgia. The theft of our everyday property, such as tools, audiovisual equipment and media, electrical appliances, home furnishings, automobile and watercraft parts, and many other items has become a far too common experience for too many citizens of Georgia. The General Assembly finds that the limited resources of our law enforcement has made it challenging to track down the culprits of property theft and bring them to justice. The legislature should provide law enforcement officials and all the property owners of Georgia every tool possible in order to recover stolen items.

43-52-2.

As used in this chapter, the term:

(1) 'Bureau' means the Georgia Bureau of Investigation.

(2) 'Mail-in secondhand dealer' means any person or entity that conducts business within Georgia and contracts with other persons or entities to buy precious metals, including items that contain gold, silver, or platinum or any combination thereof, or jewelry through an Internet website, the United States Postal Service, or telemarketing.

(3) 'Pawnbroker' shall have the same meaning as provided for in paragraph (2) of Code Section 44-12-130.

(4) 'Reporting program' means a centralized data base program developed and maintained by the bureau to record stolen personal property and goods.

(5) 'Secondhand dealer' means any person, corporation, or other business organization which is not a mail-in secondhand dealer that is in the business of purchasing, consigning, or trading secondhand goods at a fixed location; provided however, that a secondhand dealer shall include any secondhand store.

(6) 'Secondhand goods' means any property previously owned or used.

(7) 'Secondhand store' means:

(A) Any store run by a nonprofit organization that sells secondhand goods; or

(B) A store that primarily sells one particular type of secondhand good, including, but not limited to, books, clothing, coins, costume jewelry, motor vehicles, office furniture, organs and pianos, secondhand sports equipment, excluding golf clubs, that is not permanently labeled with a serial number, and cardio and strength training or conditioning equipment designed primarily for indoor use.

43-52-3.

(a) All secondhand dealers, pawnbrokers, and mail-in secondhand dealers shall be required to be licensed in Georgia prior to selling secondhand goods. The bureau shall have the duty of reviewing applicants for licensure pursuant to this Code section. The bureau shall investigate all cases where it deems that there is cause to believe that a person is selling secondhand goods without a license.

(b) To qualify for a license as a secondhand dealer, a person shall establish that he or she is equipped to take part in the reporting program.

(c) The bureau shall by the promulgation of rule and regulation establish procedures, standards, and qualifications for the licensing of secondhand dealers.

54 43-52-4.

55 The bureau shall develop a reporting program that maintains a data base of all personal
56 property items that have been reported to a law enforcement agency as stolen. The bureau
57 shall develop such program through a request for proposal process.

58 43-52-5.

59 It shall be unlawful for a secondhand dealer, mail-in secondhand dealer, or pawnbroker to
60 sell secondhand goods without first confirming with the reporting program that such
61 secondhand goods have not been reported as stolen personal property."

62 **SECTION 2.**

63 All laws and parts of laws in conflict with this Act are repealed.